REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of May 29, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-0951.

In the Office Action, Claims 1-4, 8-15, 19, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,366,302 to Crosby, *et al.* (hereinafter Crosby). Claims 5, 7, 16, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Crosby in view of U.S. Patent 6,300,967 to Wagner, *et al.* (hereinafter Wagner). Claims 6 and 17 were rejected under § 103(a) as being unpatentable over Crosby and Wagner, in view of U.S. Patent 6,529,218 to Ogawa, *et al.* (hereinafter Ogawa).

Amendments to the Claims

As previously noted, all claims in the present Application were rejected based on one or more cited references. Although Applicants respectfully disagree with the rejections asserted in the Office Action, Applicants have nonetheless amended at least some of the claims to further emphasize certain aspects of the claims. However, Applicants respectfully assert that any amendment and/or cancellation of claims in this response should not be interpreted as the surrender of any subject matter. Thus, Applicants are not conceding by these amendments and cancellations that any previously submitted claims are not patentable over the references of record. Applicants' present claim amendments and cancellations are only submitted for purposes of facilitating expeditious prosecution of the present Application. Applicants therefore reserve the right to pursue any previously submitted claims in one or more continuation and/or divisional patent applications.

In this response, Applicants have amended independent Claims 1, 10, and 12 to emphasize certain aspects of the claims. In particular, the independent claims have been amended to recite that at least a portion of the content page being displayed in the GUI occupies the entire display region. The independent claims have also been amended to recite the limitation that the flyover being displayed in the GUI to show that the content page is scrollable is not only an object independent of the content page, but that the flyover also overlaps or is displayed on top of at least a portion of the displayed portion of the content page. The claims also been amended to recite the further limitations of detecting the occurrence of a scrolling event and in response to the scrolling event, discontinues the display of a flyover, as recited in Claims 6 and 17. Such amendments are fully supported in the Specification, as discussed below. Claims 5-7 and 16-18 have been cancelled in this response.

As discussed below, the claim amendments are fully supported throughout the Specification. No new subject matter has been added by the amendments.

Aspects of the Claims

Prior to discussing the cited references, it may be useful to discuss certain aspects of the claims. The claims, as typified by Claim 1, recite systems and methods for indicating that a content page is scrollable. Claim 1, for example, recites that a method can include the step of displaying at least a portion of a content page within a display area of the GUI, where the displayed portion of the content page occupies all of said display area. That is, only the portion of the content page that does not exceed the display boundaries is shown, as shown in FIG. 1A-1C. Claim 1 also includes the step of determining whether the displayed content page is scrollable in at least one direction and if so, displaying at least one flyover within the display area that indicates at least one direction in which the content page is scrollable. In the method, the flyover is a GUI object independent of the displayed content page. Also, the displayed flyover overlaps at

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least a portion of the displayed portion of said content page, as shown by flyovers 105, 125, and 145 in FIGs. 1A, 1B, and 1C, respectively. In some embodiments, the display of a flyover can be terminated based on flyover-close event. For example, a flyover-close event can be the detection of a scroll event. That is, if the user begins to scroll, the display of the flyover can be terminated, even if not at the end of the content page. (See, e.g., Specification, para. [0016], last four lines.)

The Claims Define Over the Cited References

As noted above, independent Claims 1, 10, and 12 were rejected as being anticipated by Crosby. Crosby discloses an enhanced GUI for mobile radiotelephones. In particular, Crosby discloses a GUI that includes for each menu selection a title, an end-of-list indicator, and a dynamic scroll indicator. (See Abstract.) However, Applicants respectfully submit that the GUI disclosed in Crosby fails to disclose or suggest each and every element of Claims 1, 10, and 12.

In particular, Crosby fails to disclose a flyover as recited in the claims. As noted above, Crosby discloses the use of a dynamic scroll indicator. According to the Office Action, the flyover and the dynamic scroll indicator are equivalent. Applicants respectfully disagree. Even if the dynamic scroll indicator and the flyover, as recited in the claims, can provide the same information by indicating whether a content page is scrollable and in what direction, nonetheless the manner in which these objects operate to provide this information is clearly and patentably distinguishable.

In particular, the dynamic scroll indicator is an additional element of the GUI, *displayed outside the display area of the content page*. In some embodiments, the dynamic scroll bar is configured as being located alongside the display area, as illustrated in FIGS. 3A-3D. In other embodiments, the dynamic scroll indicator is displayed as one or more indicative symbols alongside the display area, such as the miniature scroll indicator shown in FIG. 5. However, nowhere does Crosby disclose or suggest that the

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dynamic scroll indicator is displayed within the display area where the content page is being displayed.

Furthermore, Crosby explicitly rejects the notion of purposefully occluding any part of the content page with the dynamic scroll indicator. Crosby discloses that the amount of space taken up by the dynamic scroll indicator should be minimized in order to not interfere with the display of the GUI. As an example, Crosby notes that display for non-latin characters can require an increased number of pixels per line, making display of the scroll indicator difficult without occluding parts of the displayed menu. (See, col. 7, lines 46-60.) In such cases, rather than occlude the menu, the miniature scroll indicator is instead used and placed in a different region of the GUI, as shown in FIG. 5, but not in the display region for displaying the page content.

Applicants assert that well-established practices of the U.S. Patent Office and caselaw clearly support the position that different methods of accomplishing a result are only anticipated if the actual steps and/or structure needed for the method is anticipated, not the result. Accordingly, Crosby cannot anticipate the claimed flyover, as Crosby fails to disclose or even suggest that a dynamic scroll indicator can be placed within the display area of the content page and overlapping the content. In contrast, the claims in the present application recite the flyover is not an element that is placed alongside the display area or in some other part of the GUI, rather the flyover is displayed within the display area for content page, overlapping some of the content being shown. Such a configuration is advantageous in that it does not require that a region of the GUI be set aside or reserved for indicating whether a content page is scrollable, therefore the amount of area being used for displaying the content page is maximized. Furthermore, such a configuration does not require the user to search in other portions of the GUI for an icons indicating the content page is scrollable, such as with the miniature scroll indicators of Crosby, as the claimed flyover in the display area for the content page clearly cues the user.

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As previously noted, Claims 1, 10, and 12 were also amended to include the limitations recited in Claims 6 and 17. The Office Action acknowledges that the limitations of Claims 6 and 17 are not disclosed in Crosby, but asserts that these limitations are instead disclosed in Ogawa. Ogawa discloses a display control with movable or updateable auxiliary information. Applicants respectfully disagree and assert that Ogawa, alone or in combination with Crosby, fails to disclose or suggest each and every limitation of Claims 1, 10, and 12.

In particular, Ogawa fails to disclose or suggest the step of discontinuing display of a flyover in response to a scroll event. According to the Office Action, on page 8, the ability to move auxiliary information includes the ability to move auxiliary information off the screen, thus effectively, according to the Office Action, discontinuing display of the auxiliary information. Applicants disagree and respectfully submit that Ogawa fails to disclose or even suggest that a menu can be scrolled "off" the display.

Ogawa purposely provides a menu that persists regardless of the scroll operations the user is engaged in. In fact, Ogawa explicitly discloses that, in response to a scroll event, the only result is that the menu is moved in the direction of scrolling so as not to occlude new content being scrolled into view. For example, as shown in FIGs. 10a and 10b, as the display is scrolled to the right, the menu also moves to the right. However, once the menu reaches the far right edge, the menu does not disappear off the right edge of the display. Instead the menu persists on the right hand side. Furthermore, Ogawa explicitly discloses one and only one method for discontinuing display of auxiliary information. Ogawa explicitly discloses that display of the information can only be discontinued by user expressly activating a menu (or delete menu) button. (See, e.g., Col. 6, lines 31-36, FIG. 2, and FIG. 6.) In contrast, the claims of the present invention recite that in response to a scrolling event, the flyover display is discontinued. Such a configuration allows a user to be informed of the possibility of scrolling only when a content page is first presented. Afterwards, because the user is already informed that the

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content page can be scrolled, no further reminder is necessary, thereby eliminating the amount of time any content is occluded as well as eliminating the amount of space in the GUI needed for providing such information.

Accordingly, Crosby and Ogawa, separately or in combination with any reference of record, fails to teach or suggest every element recited in independent Claims 1, 10, and 12. Applicants therefore respectfully submit that the independent claims define over the cited references. Furthermore, whereas each of the remaining claims depends from one of independent Claims 1, 10, or 12 while reciting additional limitations, the remaining dependent claims likewise define over the cited references.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: July 30, 2007
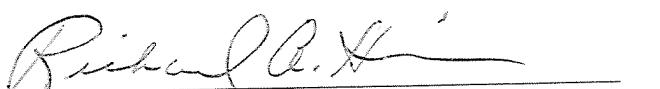
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